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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,466	06/26/2003	Sumedh N. Barde	MS1-1543US	3501

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EXAMINER	
FRINK, JOHN MOORE	
ART UNIT	PAPER NUMBER
2142	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/606,466	BARDE ET AL.	
	Examiner	Art Unit	
	JOHN M. FRINK	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5-9,11,12,27,28,31-33 and 44-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-9,11,12,27,28, 31-33 and 44-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/17/2007, 1/03/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 1/03/2008, with respect to Servan in view of Armstrong showing "selecting video content, and after the selecting, receiving a static image" have been fully considered and are persuasive. Accordingly the rejection has been withdrawn. However, under further consideration, a new grounds of rejection made under Servan in view of Armstrong and Swix et al. (US 6,718,551 B1) has been given. Reasons for the rejection addressing the newly added limitations are given below.

2. Regarding Applicant's arguments that Servan in view of Armstrong and the other cited art, relating to claims 44 and 45, fail to show 'a stitched-reference play-list', said arguments have been considered and are deemed persuasive. However, under further consideration, a new grounds of rejection made under Servan in view of Armstrong and Swix et al. (US 6,718,551 B1) has been given. Reasons for the rejection addressing the newly added limitations are given below.

3. Regarding claim 46, which implements subject matter relating to both said 'stitched-reference play-list' and said "after the selecting, receiving a static image", Applicant's arguments have been deemed persuasive. However, grounds of rejection are given below utilizing said Swix reference. Reasons for the rejection addressing this newly added claim are given below.

4. Regarding claim 11, Applicant argues that 'the Examiner has failed to provide a reference that implements a play-list referencing video content as specified in claim 11.'

However, Servan in view of Armstrong and Katseff were cited to teach claim 11 in the previous Office Action. Specifically Figs. 6, 7, 8 and 9, as well as col. 10 line 27 – col. 11 line 44 of Katseff were cited. Video content as well as play-lists are clearly addressed in the cited sections (e.g., video content in Figs. 7 and 10, and play-list that reference video content in col. 10 line 27 – col. 11 line 44). Since Applicant did not address the cited sections of Katseff and provide arguments as to why said sections do not teach claim 11, Applicant's argument is not persuasive. Furthermore, as necessitated by Applicant's amendment, new grounds of rejection for claim 11 are given and explained below.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 5, 6, 8, 11, 12, 27, 28, 31, 32, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Servan-Schreiber et al. (US 6,892,354 B1), hereafter Servan, in view of Armstrong et al. (US 2005/0256941 A1), hereafter Armstrong, further in view of Swix et al. (US 6,718,551 B1), hereafter Swix.

7. Regarding claim 1, Servan shows receiving an advertisement from a content provided (Fig. 1), displaying said advertisement for at least a fixed duration (Fig.1, col. 3 lines 26 – 30), transmitting and loading (comprising buffering) new content (Abstract)

and wherein the advertisement is displayed beyond the fixed duration if the buffering is not complete when the fixed duration expires (Abstract, col. 3 lines 26 – 30).

Servan does not show where the receiving of said image is preceded by a user selecting a video content, where said advertisement is a static image, or where said buffered new content is video content.

Armstong shows where said advertisement is a static image, or where said buffered new content is video content ([0020, 0024]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Servan with that of Armstrong in order to provide explicit support for specific advertisement types, such as static images or video files (Armstrong, Abstract, [0020, 0024]).

Servan in view of Armstong do not show where the receiving of said image is preceded by a user selecting a video content.

Swix shows a user selecting a video content (col. 10 lines 21 – 34) and after the selecting, receiving a static image (col. 4 lines 40 – 52, col. 5 lines 43 – 48, col. 9 lines 45 – 53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Servan in view of Armstrong with that of Swix in order to provide media resources to users based in a flexible and adaptable manner (Swix, Abstract).

8. Regarding claim 5, Servan in view of Armstrong and Swix further show if the buffering is not complete when the fixed duration expires, ceasing display of the static

image and playing the video content (Servan, Abstract and col. 3 lines 26 – 30, Armstrong [0020, 0024]).

9. Regarding claim 6, Servan in view of Armstrong and Swix further show where the static image is a plurality of static images comprising an animated image and the displaying comprises displaying the animated image (Armstrong, [0020, 0032]).

10. Regarding claim 8, Servan in view of Armstrong and Swix further show where the receiving comprises implementing a play-list that includes a reference to the static image stored on the content provider (Swix, Figs. 1 and 5, col. 4 line 38 – col. 5 line 16) and requesting the static image from the content provider based on the reference (col. 7 lines 19 – 30).

11. Regarding claim 11, Servan in view of Armstrong and Swix further show implementing a play-list that includes a reference to the video content stored on the content provider (Swix, Figs. 1 and 5, col. 4 line 38 – col. 5 line 16) and requesting the video content from the content provider based on the reference (col. 7 lines 19 – 30).

12. Regarding claim 12, Servan in view of Armstrong and Swix further show a media playing device comprising the processor-readable medium as recited in claim 1 (Armstrong, Fig. 4, [0025, 0044-0046]).

13. Regarding claim 27, Servan in view of Armstrong and Swix further show receiving a user selecting a video content (Swix, col. 10 lines 21 – 34), after the selecting, receiving static image from a content provider (Swix col. 4 lines 40 - 52, col. 5 lines 43 -48 and col. 9 lines 45 - 53), buffering video content from the content provider, and displaying the static image for, at least, a fixed duration, wherein, if the video

content is not yet fully buffered at the expiration of the fixed duration, then the displaying of the static image continues until the video content is fully buffered (Armstrong, [0020, 0024], Servan col. 3 lines 26 - 30).

14. Regarding claim 28, Servan in view of Armstrong and Swix further show when the buffering of the video content is complete, ceasing the displaying of the static image; and playing the video content (Armstrong [0020, 0024, 0041, 0042], Fig. 2A – 2C, Fig. 3).

15. Regarding claim 31, Servan in view of Armstrong and Swix further show if the video content is fully buffered when the fixed duration expires, ceasing the displaying of the static image and playing the video content (Servan, Abstract and col. 3 lines 26 – 30, Armstrong [0020, 0024]).

16. Regarding claim 32, Servan in view of Armstrong and Swix further show where the static image is a plurality of static images comprising an animated image and the displaying comprises displaying the animated image (Armstrong, [0020, 0032]).

17. Regarding claims 44 and 45, Servan in view of Armstrong and Swix further show implementing a stitched-reference play-list referring to a single play-list file that includes a reference to the static image and a reference to the video content stored on the content provider (Swix, col. 9 line 19 – col. 10 line 31) and requesting the static image and video content from the provider based off the references (Swix col. 7 lines 19 - 30 and Figs. 1 and 5).

18. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Servan in view of Armstrong and Swix as applied to claim 1 above, and further in view of Nakayama et al. (US 6,493,748 B1), hereafter Nakayama.

19. Regarding claim 9, Servan in view of Armstrong and Swix show claim 1, along with displaying a static image while a video buffers (Armstrong [0020, 0024, 0041-0042]) and further including where there is a minimum display time for said static image, representing said duration command (Armstrong, [0020, 0024], Servan col. 3 lines 26 – 30), as well as showing a play-list (Swix, Fig. 5).

Servan in view of Armstrong and Swix do not show implementing a play-list that includes a duration command and defining the fixed duration by the duration command.

Nakayama shows implementing a play-list that includes a duration command and displaying the static image for a specified duration defined by the duration command (Figs. 7, 11, 12 and 13, col. 11 line 55 – col. 12 line 18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Servan in view of Armstrong and Swix with that of Nakayama in order to facilitate further customization of the material displayed to users, such as advertisements, to either further emphasize the advertisements/other inserted content, or to emphasize the focus on the other displayed content.

Servan in view of Armstrong, Swix and Nakayama thus show defining the fixed duration command by the duration command, as Servan in view of Armstrong and Nakayama show said duration command resulting in the same behavior that would be caused by said fixed duration command.

20. Claims 7 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Servan in view of Armstrong and Swix as applied to claims 1 and 27 above, and further in view of Dunlap et al. (US 6,760,749 B1), hereafter Dunlap.

Servan in view of Armstrong and Swix show the method of claims 1 and 27.

Servan in view of Armstrong do not show where the static image is one of either a JPEG, GIF or PNG.

Dunlap shows where the static image is one of either a JPEG, GIF or PNG (col. 7 lines 1 - 35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Servan in view of Armstrong and Siwx with that of Dunlap in order to enable utilizing common industry standard graphic file formats.

21. Claim 46 rejected under 35 U.S.C. 103(a) as being unpatentable over Servan in view of Armstrong and Swix, further in view of Chon (PTO 07-2390, Korean Laid-open Patent No. 2002-0069272).

22. Regarding claim 46, Servan in view of Armstrong and Swix show a user selecting a video content, the video content being linked to a stitched-reference play-list, wherein the stitched-reference play-list refers to a single play-list file (Swix, Figs. 1 and 5, col. 9 line 19 – col. 10 line 31)

after the selecting, receiving a static image from a content provider, wherein the receiving a static image from the content provider implements the stitched-reference play-list that includes a reference to the static image (Swix col. 4 line 48 – col. 5 line 46),

displaying that static image for, at least, a fixed duration (Servan, Fig. 1 and col.

3 lines 26 -30) and

buffering (Servan, Abstract) video content (Armstrong [20, 24]) from the content provider during the displaying, wherein the buffering video content from the content provider implements the stitched-reference play-list that includes a reference to the video content,

wherein the static image (Swix, Abstract and Armstrong [20, 24]) is displayed beyond the fixed duration if the buffering is not complete when the fixed duration expires (Servan, Abstract and col. 3 lines 26 – 30).

Servan in view of Armstrong and Swix do show transitions (inherent in Swix as the play-list in Fig. 5 inherently transitions from 'Program' to 'Ad') but do not show providing instructions in order to implement quick display of one or more referenced contents

Chon shows that providing instructions in order to implement quick display of one or more referenced contents (pg. 2 lines 11 - 15, pg. 5 lines 5 - 10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Servan in view of Armstrong and Swix with that of Chon in order to increase the effect of the displayed information (Chon, pg. 5, lines 1 - 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Frink whose telephone number is (571) 272-

9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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